



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/714,441	06/13/91	BURTON	L

12M2/0723

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DATE ON P EXAMINER	
ART UNIT	PAPER NUMBER
1202	29
DATE MAILED: 07/23/93	

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☐ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run _____ or continues to run _____ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 4/5/93 + 6/25/93 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim 8 (6/25/93) will not be entered and the final rejection stands because: see letter
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☐ Upon the filing an appeal, the proposed amendment ☐ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: _____

However;

☐ Applicant's response has overcome the following rejection(s): _____

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

Art Unit 1202

LETTER

The amended set of claims filed on 4/5/93 (paper no. 24) has been entered. The amendment to claim 8 filed on 6/25/93 (paper no. 26) has been denied entry because:

1) The amendment to claim 8 does not comply with 37 CFR 1.121 and MPEP 1453 since the amendment is not relative to the original patent text - see the second bracketed section at line 3 which material was not present in the original claim 8.

2) The amendment to claim 8 was not accompanied by a supplemental reissue oath or declaration as required by 35 USC 251 and MPEP 1414.03.

Claim 8 remains improper because of the objectionable language "organic material". The remaining claims 1, 5, 7-9, 11-24, 32-40, 43-44 are considered allowable.

It is agreed that at least claim 44 interferes with the claims in Babillis et al, U.S. Patent No. 4,962,144. This case will be forwarded ^{*in due course*} to the Board of Patent Appeals and ^{*^*} interferences with PTO form 850 which requests the declaration of an interference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip I. Datlow whose telephone number is (703) 308-4710.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

[Signature]
CAROL S. RIZZO
PATENT EXAMINER
GROUP 120 - ART UNIT 122
[Signature]
Acting S/E